

Sixth Appellate District

San Jose, California

MONDAY, MAY 1, 2006

H027291 SPIES v. MATHEWSON

H027211 DIETZEL v. MATHEWSON

The judgments are affirmed. Costs are awarded to respondent. (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed May 1, 2006

H028621 PEOPLE v. ALDAMA

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)
Filed May 1, 2006

H029259 PEOPLE v. HO

The judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Duffy, J.)
Filed May 1, 2006

TUESDAY, MAY 2, 2006

H029181 PEOPLE v. ZEPEDA

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Rushing, P.J., Mihara, J.)
Filed May 2, 2006

H028859 PEOPLE v. CARUCCI

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)
Filed May 2, 2006

WEDNESDAY, MAY 3, 2006

H028124 WEINSTEIN, et al. v. CALIFORNIA DEPARTMENT OF
TRANSPORTATION

By the Court:

The written opinion which was filed on April 3, 2006 is certified for publication. (Mihara, J.; Rushing, P.J., McAdams, J.) The written opinion which was filed on April 3, 2006 has now been certified for publication in its entirety pursuant to California Rules of Court, rule 976(b), and it is therefore ordered that it be published in the Official Reports.

Dated: May 3, 2006 Rushing, P.J.

Sixth Appellate District

San Jose, California

Wednesday, May 3, 2006 (continued)

H028830 VERNON v. MCBURNEY

The appeal is dismissed. (not published)
(Rushing, P.J.; We concur: Premo, J., Duffy, J.)
Filed May 3, 2006

H028695 PEOPLE v. MCKENZIE

The judgment is modified by striking the requirement that defendant undergo AIDS testing. The trial court is directed to amend the abstract of judgment accordingly and to forward a certified copy of the amended abstract to the Department of Corrections. As so modified the judgment is affirmed. (not published)
(Rushing, P.J.; I concur: Elia, J.; Concurring opinion by Premo, J.)
Filed May 3, 2006

H029490 PEOPLE v. GUTIERREZ

The judgment is modified to reflect that the fine imposed pursuant to section 290.3 is stricken. As modified, the judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Elia, J., Mihara, J.)
Filed May 3, 2006

The Court met in Santa Cruz County Court - Dept. 3, 701 Ocean St., Santa Cruz, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and S. Nasson, Deputy Clerk.

H028865 SARANITI v. HALLIGAN

Cause called and argued by Russell Robinson appearing for Appellant and by Leslie Holmes appearing for Respondent. Cause ordered submitted.

Elia, J. leaves the bench. Bamattre-Manoukian, J. takes the bench.

H027817 PAJARO VALLEY WATER MGMT. AGENCY v. AMRHEN, et al.

Cause called and argued by Robert Johnson appearing for Appellants and by Stephen Roberts appearing for Respondent. Cause ordered submitted.

Rushing, P.J., Premo, J. and Bamattre-Manoukian, J. leave the bench. Elia, Acting P.J., Mihara, J. and McAdams, J. take the bench.

Sixth Appellate District

San Jose, California

Wednesday, May 3, 2006 (continued)

H028147 SAN LORENZO VALLEY COMMUNITY ADVOCATES FORE RESPONSIBLE EDUCATION v. SAN LORENZO VALLEY UNIFIED SCHOOL DISTRICT

Cause called and argued by Gerald Bowden appearing for Appellant and by Timothy Volkmann appearing for Respondent. Cause ordered submitted.

Elia, Acting P.J. leaves the bench. Duffy, J. takes the bench.

H027674 MENDEZ v. SUBARU OF AMERICA, INC.

Cause called and argued by Sharon Kinsey appearing for Appellant and by Barbara Frischolz appearing for Respondent. Cause ordered submitted. Court adjourns.

THURSDAY, MAY 4, 2006

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Mihara, J.; McAdams, J.; and Beth Miller, Deputy Clerk.

H028877 PEOPLE v. PERRO

Cause called and argued by Katera Estrada Rutledge appearing for Appellant and by Allen R. Crown, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H026676 PEOPLE v. BLANCARTE, et al.

Cause called and argued by William Robinson appearing for Appellant Blancarte, Katarzyna Kozik appearing for Appellant Landin, and by Jeremy Friedlander, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H028517 PEOPLE v. BERGMAN

Cause called and argued by David D. Martin appearing for Appellant and by Catherine A. Rivlin, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Mihara, J. and McAdams, J. leave the bench and Premo, J. and Duffy, J. take the bench.

H028629 PAULUS v. BOB LYNCH FORD, INC., et al.

Cause called and argued by Sean B. Absher appearing for Appellant and by Damian Lillis appearing for Respondents. Cause ordered submitted. Court is adjourned until 1:30 p.m.

Sixth Appellate District

San Jose, California

Thursday, May 4, 2006 (continued)

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; McAdams, J.; Duffy, J.; and Jane V. Flor, Deputy Clerk.

H029277 PEOPLE v. JOEL B.

Cause called and argued by Lori Quick appearing for Appellant and by Christopher W. Grove, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Bamattre-Manoukian, J. and McAdams, J. leave the bench and Premo, J., and Elia, J. take the bench.

H028885 PEOPLE v. GONZALES

Cause called and argued by Mark Greenberg appearing for Appellant and by Morris Lenk, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Duffy, J. leaves the bench and Bamattre-Manoukian, J. takes the bench.

H028755 PEOPLE v. DAVENPORT

Cause called and argued by Zaheer Zaidi appearing for Appellant and by Linda M. Murphy, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H028756 RILEY v. MCDONALD

Cause called. John P. McDonnell appeared for Appellant and Nina M. Patane appeared for Respondent. Cause is ordered submitted without oral argument. Court is adjourned.

Sixth Appellate District

San Jose, California

Thursday, May 4, 2006 (continued)

The following cases are submitted this date:

H028495 PEOPLE v. MARTINEZ, JR.
H028635 REYNOLDS CASAS & RILEY, LLP v. ASHWORTH, et al.
H028970 PEOPLE v. SIQUEIROS
H028846 PEOPLE v. DELGADO
H027969 PEOPLE v. BJORN
H028786 PEOPLE v. ORTIZ
H028837 PEOPLE v. FOSTER
H029149 PEOPLE v. SALAZAR
H029287 PEOPLE v. LEGGE, JR.
H028990 PEOPLE v. PHOMPHACHANH
H028456 BUSHNELL v. SLATER
H028469 SLATER v. BUSHNELL
H029522 In re ELIZABETH E.; SANTA CRUZ HRA v. PEDRO F.
H028287 PEOPLE v. AUDON
H028474 PEOPLE v. GARCIA
H028763 PEOPLE v. OLDHAM
H028697 PEOPLE v. LING, et al.
H028574 PEOPLE v. BARRANTI
H028836 PEOPLE v. EVANS
H029079 PEOPLE v. CHAVEZ
H029487 PEOPLE v. JORDAN
H028300 PEOPLE v. DUARTE
H028772 PEOPLE v. LOPEZ
H028850 PEOPLE v. MARTINEZ
H029323 PEOPLE v. LANDECHO
H029250 PEOPLE v. AUSTIN
H028615 PEOPLE v. DELRIO
H029036 PEOPLE v. ANDRADE
H028493 PEOPLE v. PENA
H028380 PEOPLE v. GOMEZ
H028734 PEOPLE v. REYES
H029135 PEOPLE v. BEAN-MEHLSEN
H029256 PEOPLE v. HARO
H025445 PEOPLE v. RISTAU

H028887 VAN v. COUNTY OF MONTEREY, et al.

The judgment of dismissal is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)
Filed May 4, 2006

Sixth Appellate District

San Jose, California

Thursday, May 4, 2006 (continued)

H028625 PEOPLE v. PINEDA

H028891 PEOPLE v. ROSALES

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)
Filed May 4, 2006

H028119 CHILD SUPPORT SERVICES v. NADASDY

By the Court*:

Appellant's petition for rehearing is denied.
Filed: May 4, 2006

*Before Elia, Acting P.J., Mihara, J. and McAdams, J.

H027895 MELLEN v. JACKINS

By the Court*:

Appellant's petition for rehearing is denied.
Filed: May 4, 2006

*Before Rushing, P.J., Premo, J. and Duffy, J.

FRIDAY, MAY 5, 2006

H029124 PEOPLE v. DIAZ

The judgment is affirmed. (not published)
(Elia, J.; I concur: Premo, J., Dissenting opinion by Rushing,
P.J.)
Filed May 5, 2006

H028531 FREEMAN, et al. v. LAURITZEN

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Rushing, P.J., Elia, J.)
Filed May 5, 2006

H028213 PEOPLE v. RUBIO

By the Court:

On the court's own motion, to permit further consideration
of the issues, the submission order of February 8, 2006, is
hereby vacated. The cause herein is ordered resubmitted.
Dated: May 5, 2006 Rushing, P.J.

Sixth Appellate District

San Jose, California

Friday, May 5, 2006 (continued)

H026217 PEOPLE v. HOFSSHEIER

The trial court's judgment is reversed and remanded with directions "to remove the requirement that defendant register as a sex offender pursuant to subdivision (a)(1)(A) of section 290, to determine whether defendant is subject to discretionary registration pursuant to subdivision (a)(2)(E) of section 290, and, if so, to exercise its discretion whether to require defendant to register under that provision." (*People v. Hofsheier* (2006) 37 Cal.4th 1185, 1208.) (not published) (Mihara, J.; We concur: Elia, Acting P.J., Bamattre-Manoukian, J.)

Filed May 5, 2006

H028732 PEOPLE v. HUTCHINSON

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed May 5, 2006